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March 20, 2026

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**VIA E-MAIL (STEPHANIE.OCASIO@STOCKTONCA.GOV)**

Stephanie Ocasio  
Director of Community Development  
Community Development Department  
345 N. El Dorado Street  
Stockton, CA 95202

Re: Bear Creek South

Dear Stephanie:

Buchalter, LLP (“Buchalter”) represents TriPointe Homes, Inc. (“TriPointe Homes”), one of the developers and landowners (collectively, the “Developers”) who have applied to the City for entitlements to develop the Bear Creek South residential development project (the “Project”) located on an approximately 503.18-acre site in unincorporated San Joaquin County (the “Property”). The Property is located adjacent to the city limits of the City of Stockton (the “City”) and within the City’s sphere of influence. Overall, the Project will involve the development of 2,241 single-family homes, five parks, a lineal open space area, and associated public infrastructure consistent with the City’s General Plan designation of the Property for low-density residential development for decades.

We understand that the City is proceeding with environmental review of the Project in accordance with the California Environmental Quality Act (“CEQA”) by relying on the City of Stockton Envision 2040 General Plan Update (“Stockton General Plan Update”) Environmental Impact Report (SCH#2017052062) (the “Stockton General Plan Update EIR”) as the foundation for its further environmental review of the Project. In this regard, we understand that the City has determined that the Project may qualify for the statutory exemption under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 based on an analysis performed by De Novo Planning Group. Consistent with the City’s initial determination, the purpose of this letter is to document the Developers’ understandings and commitments regarding (1) the Project’s consistency with the Stockton General Plan Update; (2) confirm the Developers’ commitment to comply with the City’s prior mitigation measures identified in the General Plan

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Stephanie Ocasio  
March 20, 2026  
Page 2

Update EIR as applied to the Bear Creek South Project; and (3) reiterate the appropriateness of proceeding in accordance with the Section 15183 streamlining/exemption strategy.

We understand that Michelle Lee of the Circle Law Group submitted comments to Nicole Moore on March 18, 2026 (“March 18<sup>th</sup> Letter”) in response to the Community Development Department’s request for comments from the Tribe<sup>1</sup> on the Cultural Resources Assessment (Appendix C), the Project Requirements and the Developers’ conceptual site plan. I would like to take this opportunity to respond to The Circle Law Group’s comments at the end of this letter as a continuation of the Developer’s prior participation in the Tribal consultation process with the Lisjan Nation representatives and City representatives, and reiterate the Developers’ commitment to incorporating into the Bear Creek Project the Project Requirements that specifically address the protection of Tribal cultural resources. Please find attached an updated summary of the Developer’s Project Requirements and an updated Appendix C Cultural Resources Assessment in response to comments from the Northern Yokut Tribe and the Lisjan Nation for the City’s use in preparing the CEQA documentation required for the Project.

### **The Project Qualifies for CEQA Review under Public Resources Code Section 21083.3.**

The State Legislature enacted legislation to streamline CEQA for certain types of projects and to completely exempt other types of projects from environmental review in accordance with applicable statutory exemptions specified in the CEQA statute or categorical exemptions in accordance with Title 14 of the California Code of Regulations (the “CEQA Guidelines”). Section 21083.3 of the Public Resources Code and Section 15183 of the CEQA Guidelines streamline and exempt projects consistent with the density established in the adopted zoning or general plan that were subject to the preparation and certification of a prior environmental impact report (“EIR”).

Under this statutory exemption, the local agency must have certified a program-level EIR, such as for a general plan or zoning code. (Pub. Res. Code, § 21083.3(a); CEQA Guidelines, § 15183(d)(2).) The project must be consistent with one of those plans. (Pub. Res. Code, § 21083.3(b); CEQA Guidelines, § 15183(d)(1).) “Consistent” for the purposes of this exemption, means “the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan.” (CEQA Guidelines, § 15183(i)(1).) Any project eligible for the exemption/streamlined CEQA process under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 need only be reviewed for environmental impacts that are “peculiar to the project or the parcel” that were not analyzed in the prior EIR, or

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<sup>1</sup> We believe Ms. Lee submitted comments on behalf of the Lisjan Nation as The Circle Law Group represented the Lisjan Nation in the Tribal consultation that the City of Stockton conducted on February 4, 2026 and for which the Developers were invited to participate.

Stephanie Ocasio  
March 20, 2026  
Page 3

if the project may result in potential offsite impacts, or previously-identified impacts than was discussed in the prior EIR. (Pub. Res. Code, § 21083.3(b); CEQA Guidelines, § 15183(b).)

### **The Project is Consistent with the Envision Stockton 2040 General Plan Update.**

Although the Property is located in unincorporated San Joaquin County, the Property is within the City of Stockton's Sphere of Influence area, and the City of Stockton included the Property in its planning area. Both the Envision Stockton 2035 and 2040 General Plans designate the Property for Low Density Residential (LDR) uses. (*Envision Stockton 2040 General Plan Update and Utility Master Plan Supplements*, 2018).

The Envision Stockton 2040 General Plan Update LDR designation allows single family residential units, duplexes, triplexes, semi-detached patio homes, town homes, public and quasi-public uses, second units and other similar uses. The Project consists of 2,241 single-family residential units dispersed through multiple residential neighborhoods with minimum lot sizes of 5,000 square feet. The General Plan LDR land use designation maximum density is 6.1 units per gross acre and 8.7 acres per net acreage. The proposed density at 4.45 units per acre is consistent with the General Plan designation on the Property. Thus, the Project is consistent with the Envision Stockton 2040 General Plan Update designation on the Property.

The Developers are requesting that the City prezone the parcels comprising the Property to allow Low Density Residential (RL) uses consistent with the Stockton adopted General Plan land use designation on the Property. Upon annexation, the Property will be zoned RL consistent with the LDR General Plan land use designation. Because the Project is consistent with the applicable General Plan designation and associated density that applies to the Property, the Project qualifies for the Section 15183 statutory exemption.

### **The Stockton General Plan Update EIR Covered the Project's Environmental Impacts.**

The Project is consistent with the Stockton General Plan designation on the Property (*Envision Stockton 2040 General Plan Update and Utility Master Plan Supplements*, 2018), for which the City certified the General Plan Update EIR on December 4, 2018. We understand that the City of Stockton prepared and certified an EIR for its Envision Stockton 2040 General Plan. The certified General Plan EIR assumed full development and buildout of the Property with the Project's proposed land uses based on the General Plan Update land use designation reflected consistently in prior Stockton General Plan updates. The City completed and certified the previous EIR for the Envision Stockton 2040 General Plan Update reflecting the prior LDR designation on the Property.



Stephanie Ocasio  
March 20, 2026  
Page 4

The City's approach to conducting environmental review of the Project pursuant to Public Resources Code section 21083.3 and Section 15183 of the CEQA Guidelines (Title 14 of the California Code of Regulations) is appropriate based on the fact that the Project is consistent with the General Plan Update, and the City previously evaluated the Project impacts as part of the General Plan Update EIR. Because the City's certified EIR covered the Bear Creek South Project, and the Project is consistent with the density identified for the Property in the General Plan Update, the statutory exemption set forth in Public Resources Code section 21083.3 and CEQA Guidelines Section 15183 limits any subsequent environmental analysis to peculiar impacts associated with the development of the Property that were not evaluated in the prior EIR.

I understand that the City is relying upon a Section 15183 Environmental Checklist analysis prepared by De Novo Planning Group to evaluate the peculiar impacts of the Project based on the environmental topics considered in the City of Stockton General Plan Update EIR. The Section 15183 Environmental Checklist evaluates all of the potential categories of specific Project impacts taking into account the General Plan Update EIR analysis' treatment of the development of the Property with low density residential uses as contemplated in the General Plan. I understand that the Section 15183 Environmental Checklist will document for each category of impact:

- the Project impacts based on an evaluation of the proposed Project uses and development;
- the Prior Environmental Analysis conclusions of impacts under the General Plan Update with a discussion of the existing, generally applicable City of Stockton development standards and policies that apply to the Project during both the construction and operational phases;
- applicable mitigation and minimization measures identified in the General Plan Update EIR that must be carried forward and implemented by the Project as a matter of standard conditions of approval;
- existing, generally applicable state-level standards and requirements that will be implemented by the Project; and
- an explanation of how the application of these uniformly applied standards and policies would ensure that the Project would not cause a peculiar or site-specific environmental impact.

The attached summary of Project Requirements identifies the standard measures that the Developers have incorporated into the Project design to ensure that Project construction and



Stephanie Ocasio  
March 20, 2026  
Page 5

operation will not cause any new significant impacts or substantially greater impacts than those already identified in the General Plan Update EIR. For example, the Project would be subject to Mitigation Measures AQ-2 and AQ-3 to avoid construction and operational air quality impacts, and the Developers included a list of specific measures that will be implemented to avoid construction air quality impacts. Examples of uniformly applied standards and requirements include compliance with the California Building Code (to reduce impacts associated with seismic hazards) and preparation of a Stormwater Pollution Prevention Plan (to reduce impacts associated with surface water pollution during construction activities) as discussed in the Geology and Hydrology/Water Quality portions of the Project Requirements checklist. As discussed further below, the Project has included two specific Project Requirements, 6 and 7, to comply with the City's requirements to avoid impacts to cultural resources, including Tribal Cultural Resources (see e.g., pp. 79-83). The Developers have committed to implementing the applicable standards and requirements that the City of Stockton imposes on development in accordance with its General Plan and Municipal Code, and in this way, the Project will not result in any new significant or substantially greater impacts when compared to the analysis of impacts in the Envision Stockton 2040 General Plan Update EIR.

**The Developers Commit to Complying with Applicable General Plan Update Policies and to Implementing Applicable General Plan Update EIR Mitigation Measures Concerning the Treatment of Tribal Cultural Resources**

I understand that the City of Stockton engaged in informal tribal consultation for the Project even though the City was not required to engage in Tribal consultation under AB 52 since it is proceeding with a statutory exemption per the City of Stockton's Letter to Michelle Lee dated January 5, 2026 concerning the Bear Creek South Residential Project – Tribal Cultural Resources Analysis and Consultation. While the City was not obligated to formally consult under CEQA, the Developers support the City's efforts to engage in informal consultation regarding the Project with the Lisjan Nation and the Yokut Tribe since 2024 when the Developers initiated the entitlement process with the City of Stockton. My clients appreciated the opportunity to participate in the recent informal consultation process with the Lisjan Nation and the City in accordance with the City's General Plan policies which encourage informal consultation so that development projects minimize impacts to tribal cultural resources.

As you may be aware, the Developers retained Peak & Associates ("Peak") to conduct a Cultural Resource Assessment for the Bear Creek South Residential Project in 2022. The results of Peak's assessment of the Property were documented in a 2024 report summarizing the results of Peak's record search of the California Historical Resources Information System ("CHRIS") records and site investigations. The report was prepared in accordance with the City's General Plan requirements and with CEQA requirements for the evaluation of potential impacts to cultural resources. Although prehistoric period artifacts and scattered historic period items were found, no known human remains were found on the Property.



Stephanie Ocasio  
March 20, 2026  
Page 6

During the preparation of the Project plans in 2025 and in early 2026, Developer representatives coordinated with Kathy Perez of the Yokut Tribe, the Most Likely Descendant for the region, to confirm that the standard General Plan Update EIR mitigation measures and the Project's inclusion of measures to satisfy Action Programs LU-5.2.E and LU-5.2.F were acceptable in avoiding and minimizing impacts to tribal cultural resources. Based on the Yokut Tribe coordination and review, the Developers agreed to implement all General Plan policies and actions and Code requirements consistent with the development types anticipated in the General Plan Update and General Plan Update EIR to further assure the Project will avoid and minimize impacts to cultural resources in accordance with the City's General Plan Update. That commitment has not wavered.

**The Developers Commit to Implementing Project Requirements 6 and 7 with Respect to the Treatment of Tribal Cultural Resources.**

As part of the overall CEQA evaluation and preparation of the Section 15183 Environmental Checklist, we understand that the City staff, the CEQA consultant and Project archaeologist and representatives for the Developers coordinated extensively with Peak to confirm that the City's standard program measures were incorporated into the Project design. Specifically, the Developers agreed to conduct subsurface testing of the Property using non-invasive testing methods at the request of the Lisjan Nation as further clarified in Project Requirements 6 and 7, and the Developers agreed to engage a Tribal representative and qualified archaeologist during the testing. The Developers also agreed to conduct construction worker training prior to construction regarding appropriate avoidance and minimization measures, requirements for confidentiality and treatment in compliance with applicable State laws and regulations. Further, the Project is designed to include measures consistent with State requirements to cease construction if human remains are encountered. The Developers have committed to implement these measures which are designed to assure that the Project will not cause any significant impacts to tribal cultural resources consistent with the General Plan Update and EIR.

Please be advised that the enclosed revised Project Requirement 6 was further updated to address the Northern Yokut's recent request of March 16, 2026, that the reference to "Tribal Representative" be replaced with the Northern Valley Yokut representative because the Project is within their ancestral tribal land.

**The Project is Designed to Avoid Impacts to Tribal Cultural Resources.**

The Lisjan Nation asserts in its March 18<sup>th</sup> Letter that there could not have been informed analysis of the impacts to Tribal cultural resources for this Project because the Lisjan Tribe was not consulted during the General Plan Update EIR and because the Developers have not granted



Stephanie Ocasio  
March 20, 2026  
Page 7

access to the Tribe to the Property to evaluate whether tribal cultural resources will be affected by the Project, and because the Tribe did not consult with the City on the General Plan Update EIR, the City's measures and practices are "the worst practices." The Tribe further states "We can only assume that there are problems with the mitigation measures and the project site plan because there is an unwillingness to allow a site visit."

First, as the City noted during the informal consultation and documented in its prior correspondence with the Lisjan Nation, the Lisjan Nation did not participate in the City's Tribal consultation for the General Plan Update. As we discussed during the informal consultation and the City documented in writing, this Project does not trigger AB 52 because the City is proceeding with a statutory exemption process and under AB 52, exemptions are not subject to AB 52. There is no authority for the Lisjan to assert that it may now consult under AB 52 because it did not consult when it had the opportunity to do so during the General Plan Update EIR process. Moreover, there is no basis for the Lisjan to assert that there has not been meaningful consultation, as the City and the Developers have been engaging in meaningful discussions when it was not required for this Project under AB 52 since 2024, and the Developers have been working with the Northern Valley Yokut representatives to obtain assurances that a Tribal representative would be available to monitor the Property during subsurface excavation. The consultation process has been reasonable and meaningful and provided an opportunity for the Project Requirements to be further refined in response to the Tribes' requests consistent with the AB 52 process (even though it does not apply here) and in the spirit of consultation (see e.g., the March 2025 decision in *Koi Nation of Northern California v. City of Clearlake* (109 Cal. App. 5th 815)).

Moreover the City invited the Lisjan Nation to participate in an informal consultation process because it encourages consultation as a matter of the General Plan Update. The City has been engaging in Tribal consultation with the Northern Valley Yokut and other Tribes who are on the NAHC list and have engaged in consultation over the years. When the Lisjan were added to the NAHC list after the General Plan Update process, the City reached out to engage in consultation, and the Developers participated in the spirit of further revising the Project to design the Project to avoid impacts to Tribal cultural resources based on Northern Valley Yokut and Lisjan Nation input. Given the results of the prior investigations on the Property, the Developers have committed to monitoring by a Tribal representative during subsurface excavation, even though very limited resources have been found due to the extensive agricultural activities on the Property so as to further assure that Tribal cultural resources are not impacted.

We appreciate the City's consideration of the Developers' commitment to proceeding with the proposed residential Project in a manner consistent with the City's General Plan Update EIR and standard requirements.

Buchalter

Stephanie Ocasio  
March 20, 2026  
Page 8

We look forward to the Planning Commission's deliberations regarding the Project in the very near future.

Regards,

BUCHALTER LLP

A handwritten signature in blue ink, appearing to read 'Alicia Guerra', with a long horizontal line extending to the right.

Alicia Guerra

AG:nj

Attachments

cc: Trevor Smith  
Jason Cole  
Matt Arnaiz  
David Arnaiz  
Jeffrey Klein